

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DEZI ROMAN,

Plaintiff,

vs.

DOLGENCORP, LLC,

Defendant.

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Case No. CIV-19-157-C

and

DOLGENCORP, LLC,

Third Party Plaintiff,

vs.

AMERICAN GREETINGS CORPORATION,

Third-Party Defendant.

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THIRD PARTY DEFENDANT'S NOTICE AND PETITION OF REMOVAL

COMES NOW Third Party Defendant, American Greetings Corporation, and hereby gives notice of the removal of the action currently pending in the District Court of Comanche County, State of Oklahoma, pursuant to 28 U.S.C. § 1441 *et seq.* and Fed. R. Civ. P. 81(c). In support of this Notice and Petition of Removal, Third Party Defendant American Greetings Corporation submits the following:

1. The captioned proceeding was filed on October 9, 2018 in the District Court of Comanche County, State of Oklahoma, and is styled Dezi R. Roman, Plaintiff v. Dolgencorp, LLC, Defendant, Case No. CJ-2018-640.
2. A copy of the Third Party Petition was served upon Third Party Defendant

American Greetings Corporation on or about February 5, 2019. (See Exhibit 7.)

3. The Plaintiff Dezi R. Roman is a Resident of Oklahoma. (See Exhibit 9 - Dollar General Customer Incident Report.)

4. Defendant and Third Party Plaintiff, Dolgencorp, LLC, is a foreign company, incorporated in Kentucky, and doing business in the state of Oklahoma. (See Exhibit 10.)

5. Third Party Defendant, American Greetings Corporation, is an Ohio company, doing business in the State of Oklahoma. (See Exhibit 11.)

6. There is complete diversity between the parties under 28 U.S.C. § 1332, as Plaintiff is a citizen of Oklahoma, and all Defendants are citizens of foreign jurisdictions.

7. Under 28 U.S.C. § 1446, Plaintiff's Petition does establish the amount in controversy, stating that Plaintiff has been damaged in a sum in excess of \$75,000. (See Exhibit 1.)

8. Dolgencorp, LLC does not object to removal of the case.

9. The United States District Court for the Western District of Oklahoma has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332. There is complete diversity between the parties, and Defendants have established, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000. Pursuant to 28 U.S.C. §1446 and Local Rule 81.2, a copy of the following Exhibits are attached:

Exhibit 1 Petition

Exhibit 2 Motion for Default Judgment Against Defendant Dolgencorp, LLC

Exhibit 3 Entry of Appearance

Exhibit 4 Plaintiff's Notice to Remove Motion for Default Judgment

- Exhibit 5 Answer of Dolgencorp, LLC
- Exhibit 6 Third Party Petition of Defendant Dolgencorp, LLC.;
- Exhibit 7 Summons for American Greetings Corporation;
- Exhibit 8 State Court Docket Sheet;
- Exhibit 9 Dollar General Customer Incident Report;
- Exhibit 10 Oklahoma Secretary of State print out re: Dolgencorp, LLC designation as being a Kentucky entity;
- Exhibit 11 Oklahoma Secretary of State print out re: American Greetings Corporation designation as being an Ohio company.

WHEREFORE, Third Party Defendant, American Greetings Corporation, respectfully requests that this action be removed from the District Court of Comanche County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, and for such other and further relief as the Court deems proper under the circumstances.

Respectfully submitted,

S/Timothy E. Lurtz

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**Attorney for Third Party Defendant
American Greetings Corporation**

CERTIFICATE OF MAILING

I hereby certify that on 19th day of February, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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S/Timothy E. Lurtz
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